



October 19, 2021

Via E-File and Email to [Lisa Eddins@txs.uscourts.gov](mailto:Lisa.Eddins@txs.uscourts.gov)

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The Honorable Lee Rosenthal
United States District Court
Southern District of Texas
515 Rusk St.
Houston, TX 77002

RE: Cause No. 4:21-cv-01547; Brandi Bryant and Jeremy Bryant a/n/f and on behalf of G.L. v. Dayton Independent School District, Dr. Jessica Johnson, and Geoff McCracken; In the United States District Court for the Southern District of Texas, Houston Division

To the Honorable Judge Rosenthal:

Please allow this letter to serve as Plaintiff's Response to Defendant's letter dated October 19, 2021 demanding in person depositions of Plaintiffs Brandi Bryant and G.L. In support of this Response, Plaintiffs would show the Court the following:

1. Thousands of depositions have been conducted via Zoom during the COVID-19 pandemic and Defendants are adequately able to defend their positions without in person depositions. Zoom depositions have largely become a normal practice in Harris County, Texas.
2. The parties that the defense team wants to depose in person are not vaccinated against COVID-19, and one of the Plaintiffs is a minor child and currently ineligible for vaccination under CDC Guidelines.
3. Harris County remains at threat Level 1: Stay Home Unless Fully Vaccinated (Severe Threat).
4. Under Executive Order GA 40, issued October 11, 2021, Texas continues to be in a state of emergency because of the COVID-19 pandemic.

5. A Counsel for Plaintiffs is at additional risk of contracting COVID-19 and should not have to risk her health for an in person deposition when Zoom is a perfectly reasonable option, where all documents (and videos) are easily presented to all parties and all of the relevant Federal Rules of Civil Procedure can be followed.

Counsel for both sides have conferred in good-faith, but were unable to reach agreement on these issues. Plaintiffs' counsel also requests that the pre-motion conference be conducted by Zoom pursuant to Rule 4 of the Court's procedures.

Respectfully submitted,

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